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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NAME,
Plaintiff(s),
v.

NAME,
Defendant(s).

Case No.:

**ORDER RE: TRIAL PREPARATION
FOR BENCH TRIALS**

The above-mentioned action is set for trial before United States District Judge Robert J. Kelleher. In order to guide counsel in preparing for trial, the Court makes the following Order:

Findings of Fact and Conclusions of Law

Counsel shall lodge **two copies** of proposed findings of fact and conclusions of law with the Court **twenty-one days before the trial date**. Counsel shall file a copy of the document on disk in Word Perfect 7 format as a courtesy to the Court. One additional copy shall be served on opposing counsel at that time.

Upon receipt of the proposed findings of fact and conclusions of law from opposing counsel, each party shall:

1. underline in **red** pencil those portions which it disputes;
2. underline in **blue** pencil those portions which it admits; and
3. underline in **yellow** pencil those portions which it does not dispute, but which it deems irrelevant.

Each counsel shall then file **two marked copies** of opposing counsel's proposed findings of fact and conclusions of law with the Court **seven days before the trial date**. One additional copy shall be served on opposing counsel at that time.

The parties shall be prepared to submit to the Court, and to exchange among themselves, supplemental findings of fact and conclusions of law during the course of the trial, with respect to which the same underlining procedure may be ordered.

Motions in Limine

Motions in limine shall concern **only** the admissibility of evidence at trial. Any such motion shall be noticed in accordance with the Local Rules. Such motions shall be filed no later than **seven days prior to the start of trial**. It is the Court's customary practice to defer ruling on motions concerning the admissibility of evidence until such issues arise during the course of trial.

Depositions Used During Trial

If you intend to use depositions during trial for any purpose, including

1 impeachment, be prepared to lodge the original at any time during trial. If the original is
2 not available, be prepared to lodge a copy with a stipulation that the copy may be used as
3 if it were the original. The use of depositions at trial will not be permitted if the original
4 or agreed copy has not been lodged.

5 Where witnesses testify by deposition, please do the following:

- 6 1. Mark with colored pencil, in the original and/or copy of the deposition, the
7 proffered parts. Plaintiff will use **blue**; defendant will use **red**;
- 8 2. If there are objections to the underscored portions of the transcript, furnish a
9 written list of objections by page and line. Make any such objections
10 immediately prior to the use of the deposition at trial; and
- 11 3. In those instances when lengthy portions of deposition are to be read, please
12 make arrangements with opposing counsel in advance as to the manner of
13 presenting the testimony.

14 **Expert Witnesses**

15 Failure to include the name of an expert witness in the Pretrial Order precludes a
16 party from calling that expert witness at trial. An expert witness' direct testimony shall
17 consist exclusively of the expert's reading from his curriculum vitae and Rule 26 report.
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Preparation for the First Day of Trial

On the first day of trial, report to the Courtroom at least fifteen minutes prior to the scheduled time for trial and present the Courtroom Deputy Clerk with the following:

1. Exhibit List: **Three copies** of the joint exhibit list in the form specified in the Local Rules. Each exhibit must be clearly described, and must denote any subparts that counsel may refer to individually (e.g., 3(a), 3(b), 3(c)). If any exhibits are objected to, such objections must be noted on the list. Counsel shall meet no later than **ten days prior to the trial date** to stipulate so far as is possible those exhibits that may be received into evidence at the start of trial;
2. Witness List: **Three copies** of your witness list. Indicate which, if any, witnesses will testify by deposition; and
3. Exhibits: **Three sets** of exhibits, with tabs and **official exhibit tags** attached, bearing the same numbers shown on our exhibit list. Official exhibit tags are available from the receptionist in the main clerk's office, Room G-8. Each bound set of exhibits shall include an index identifying the exhibits.

1 **Instructions to Counsel Governing Trial in this Court**

2 The Court shall be addressed as “Your Honor” at all times.

3 Opening statements, examination of witnesses, and closing arguments shall be
4 made from the lectern only. Do not approach the Court Clerk or the witness without
5 specific permission from the Court.

6 Do not run out of witnesses. If you are out of witnesses and there is more than a
7 brief delay, the Court may deem that you have rested.

8
9 IT IS SO ORDERED.

10
11 DATED: _____

ROBERT J. KELLEHER
United States District Judge